



12/12/2008

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7 Attorney for Defendant

5 UNITED STATES DISTRICT COURT
 6 NORTHERN DISTRICT OF CALIFORNIA
 7 SAN JOSE DIVISION

8 UNITED STATES OF AMERICA,
 9 Plaintiff,

10 vs.

11 FRANK GEMBECK, JR.,
 12 Defendant

) Case No.: CR08-00076-JW
)
) STIPULATION TO CONTINUE
) SENTENCING
)
) January 26, 2009
) 1:30 pm
) Courtroom 8, 4th Floor
) San Jose
)

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 14 Sentencing is currently scheduled for January 26, 2009, at 1:30 pm. This means
 15 that the draft Presentence Investigation Report will be issued on December 22, 2008. Alan Ellis,
 16 Esquire, attorney for Defendant, Frank Gembeck, Jr., will be on vacation in China from
 17 December 20 through January 8 and as such will be unable to file objections to the draft
 18 Presentence Investigation Report. Accordingly, the parties have agreed with the U.S. Probation
 19 Officer' concurrence that it would be acceptable to continue the sentencing for six weeks, i.e.,
 until March 9 at 1:30 pm.

20 LAW OFFICES OF ALAN ELLIS

21 BY: /s/
 22 ALAN ELLIS
 Attorney for Defendant

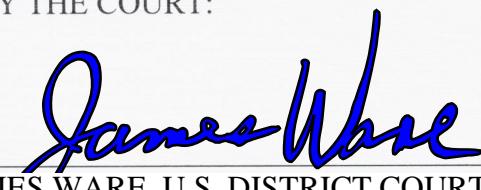
23 UNITED STATES OF AMERICA

24 BY: /s/
 25 RICHARD CHENG
 Attorney for Plaintiff

1
2 UNITED STATES DISTRICT COURT
3 NORTHERN DISTRICT OF CALIFORNIA
4 SAN JOSE DIVISION

5 UNITED STATES OF AMERICA,) Case No.: CR08-00076-JW
6 Plaintiff,)
7)
8 vs.)
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It is hereby ordered that the sentencing scheduled for 1:30 pm on January 26, 2009 be
continued until 1:30 p.m. on March 9, 2009 at 1:30 PM

12 BY THE COURT:
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16 JAMES WARE, U.S. DISTRICT COURT JUDGE
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Dated: December 12, 2008